

**REMARKS**

Claims 1-6 presently are pending. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

The Examiner has kindly acknowledged the claim for foreign priority under 35 U.S.C. § 119, as well as receipt of the certified copy of the priority document.

Moreover, the Examiner indicates that the drawings filed together with the application are accepted.

The Examiner indicates that claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims.

However, the Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,274,844 (Beuch et al.). For the following reasons, this rejection is respectfully traversed.

An apparatus consistent with the present invention relates to a small disk cartridge in which a recording disk medium having a diameter of about 2 inches or less is rotatably enclosed within a housing made up of a frame 2 and upper and lower metal shells 3, 4 covering the top surface and the bottom surface of the frame and, more particularly, to the structure of the assembled housing.

More specifically, the frame 2 has a plurality of recesses 11 in sidewalls thereof, the sidewalls of the upper and lower shells being provided with a plurality of elastic engagement

pieces respectively engageable with the recesses of the frame. The housing is assembled by engagement of the elastic engagement pieces with the recesses. Figs. 1 - 3C, Figs. 4 - 5C, Figs. 6 and 7A-C, and finally Fig. 8 show exemplary embodiments for engagement and assembly of the housing.

In the rejection of claims 1 and 2 under § 102(b), the Examiner alleges that Beuch et al. (hereinafter "Beuch") disclose all of the recitations of claims 1 and 2 including a frame 24 having a plurality of recesses (referring to recesses at each side of the curved portion where tabs 318a and 318b engage together and referencing column 4, lines 34-38) in sidewalls of the frame. The Examiner further alleges that the sidewalls of the upper and lower shells are provided with a plurality of elastic engagement pieces (referencing the tabs 318a and 318b) respectively engageable with the recesses of the frame 24, so that the housing is assembled by engagement of the elastic engagement pieces with the recesses. Regarding dependent claim 2, the Examiner maintains that the elastic engagement pieces are constructed to be engageable with the recesses of the frame along a vertical direction.

Turning to Beuch, the laser weld disk cartridge disclosed in Beuch (see, for example, Fig. 2) corresponds to the conventional disk cartridge described on pages 1 and 2 of the subject application and shown in Fig. 9. Beuch, like the conventional cartridge shown in Fig. 9 of the subject application, laser welds the upper and lower shells 3 and 4 at ten or more positions P with the circumferential edges of the sidewalls engaged with each other. While Beuch does disclose rear cartridge shell tabs 318a and 318b extending rearwardly from the upper and lower shell halves 18a and 18b, Beuch is not relying on engagement of these shell tabs to fix the two shell

halves 18a and 18b together. Rather, Beuch is relying on the laser welds to fix the two shell halves together.

In other words, the fact that the tabs 318a and 318b of the upper and lower shell halves 18a and 18b fit into recesses of the stabilizer or frame 24 when fitted together does not mean that they are fixed or held together by virtue of such positioning. Rather, Beuch and the conventional cartridge rely on the laser welding at multiple positions with the circumferential edges of the sidewalls engaged with each other.

Claim 1 has been amended to clarify that the housing is assembled and fixed together by engagement of the elastic engagement pieces with the recesses. Thus, the housing is not only assembled but actually fixed together by the engagement of the elastic engagement pieces with the recesses so that no welding is necessary, as is required in Beuch and also the conventional cartridge shown in Fig. 9 of the subject application.

Beuch, on the other hand, does not fix together the housing using engagement of the recesses and the elastic engagement pieces, but rather relies on the laser welding.

Applicant has made minor editorial corrections to the specification.

Although not objected to by the Examiner, the Applicant amended Fig. 4 to add reference numeral --2-- and the corresponding lead line to denote the frame (see the drawing correction attached herewith).

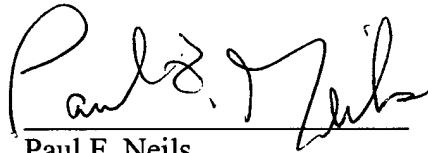
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No. 10/648,435

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Neils", written over a horizontal line.

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**23373**

CUSTOMER NUMBER

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**AMENDMENTS TO THE DRAWINGS**

Although not objected to by the Examiner, the Applicant amended Fig. 4 to add reference numeral --2-- and the corresponding lead line to denote the frame.

**Attachment: 1 Replacement Sheet**